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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,725	07/28/2003	Thorsten Krawinkel	tesa 1611-WCG	6814
27386	7590	08/26/2005	EXAMINER	
NORRIS, MCLAUGHLIN & MARCUS, P.A. 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022			ZIRKER, DANIEL R	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/628,725

**Applicant(s)**

KRAWINKEL, THORSTEN

**Examiner**

Daniel Zirker

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Luhmann et al, US 6, 004,665. The reference discloses (note particularly the Abstract, Col 1, lines 3-15, Col 2, line 42-Col 3, line 7, Col 3, lines 57-67, Col 4, lines 31-61, claims 1-9) a genus of stretch release adhesive tapes (which for purposes of dependent claims 13-16 are inherently believed to be equivalent to the claimed adhesive "sheet strips") wherein the preferred adhesive composition of choice is (Col 3, lines 42-64) a block copolymer employing vinylaromatic compounds (A blocks), preferably styrene, and center ( D blocks) formed by polymerization of 1,3 dienes, preferably butadiene and/or isoprene. The resultant block copolymers may contain identical or different center blocks, which can be selectively hydrogenated if desired. Note particularly that the reference teaches 1,3 dienes such as butadiene can be selectively hydrogenated and also note the teachings at pages 97-98 of the Concise Encyclopedia of Polymer Science and Engineering by Korschwitz, 1990. The reference teaches that the polymer microstructure of butadiene will always form a variety of polymer structures such as the vinyl or 1,2 type butadiene as applicants claim as suitable to be a midblock in their genus of block copolymers, thereby inherently rendering Luhmann et al as an anticipation of the independent claim, since 1,2 butadiene must necessarily be present in at least some amount when butadiene is present. With respect to the dependent claims not expressly or inherently encompassed by the above analysis, note that the reference teaches such

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embodiments as the various weight percent ranges such as are set forth in claims 2-4 for styrene, the presence of tackifiers (claim 11), and functionalization of block copolymers by maleic anhydride (claim 7). Additionally, as noted above the reference teaches a broad genus of stretch releasable tapes which can include foam layer(s) and the like, which is essentially all that is additionally required by "sheet strip" claims 13-16. Other parameters that are not either expressly or inherently disclosed are each believed to be at most obvious optimizations to one of ordinary skill, in the absence of unexpected results.

3. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luhmann et al '665. The reference is again relied upon as set forth above, and although styrene-butadiene-butylene-styrene block copolymers are not expressly taught as being used as the adhesive composition of choice, it is believed that the teachings of the reference, particularly at Col 3, lines 42-54 puts this composition well within the grasp of one of ordinary skill as an obvious selection for a block copolymer, in the absence of unexpected results which are hinted at on the last page of the specification but are believed not to have been set forth and properly discussed to the Examiner's satisfaction to date.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is 571-272-1486. The examiner can normally be reached on Monday - Thursday from 8:30 to 6:00. The examiner can also be reached on alternate Fridays

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on 571 – 272 – 1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Zirker  
Primary Examiner  
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A handwritten signature in black ink that reads "Daniel Zirker". The signature is written in a cursive, flowing style.